

## **Attachment 1 - CALIFORNIA NOPA PROCEDURES**

### **I. Public Notification Policy Within WSAs/Wilderness**

Due to the level of interest in the management of lands under wilderness review or for lands designated wilderness, the Bureau of Land Management is committed to ensuring that all affected and interested publics are fully informed of any proposed action, specific emergencies, and unauthorized activity occurring on BLM public lands. It is BLM's policy that all offices must notify interested parties of proposed actions on land within their jurisdiction that are managed under the IMP before such actions can be approved. It is California BLM policy to also carry this forward to BLM managed wilderness areas. This Attachment provides further clarification to the general guidance found in Chapter II of the "*Interim Management Policy For Lands Under Wilderness Review*", (H-8550-1), dated July 5, 1995, and to California's policy relating to both WSAs and wilderness.

Proposed actions requiring NOPAs within WSAs areas generally include, but are not limited to:

- Any potential surface-disturbing project, action, or use;
- Any proposed placement of a facility, development, device or structure;
- Requests for approval of mining plans of operation;
- Gathering of information about mineral resources;
- Applications for permits to drill;
- Emergency responses that were temporarily impairing
- Notices of intent to conduct oil and gas exploration operations on existing leases;
- Proposed changes in livestock use, including changes in number, season of use, or kinds or classes of livestock;
- BLM-initiated projects, including implementation of decisions contained in land use and activity plans;
- Public-initiated projects such as issuance of a filming permit or placement of a communication device;
- Unauthorized activities that result in surface disturbances or in placement of facilities.

Proposed actions generally requiring NOPAs in wilderness generally include, but are not limited to:

- Any action which may employ a prohibition listed in 4(c) of the Wilderness Act (i.e., commercial services, construction of roads, use of motor vehicles, motorized equipment, or mechanical transport, landing of aircraft, placement of structures or installations);
- Any potential surface-disturbing project, action, or use;
- Requests for approval of mining plans of operation,
- BLM-initiated projects, including proposals to begin or implement actions in land use and activity plans;
- Emergency that employs any of the above prohibited acts, and
- Unauthorized activities that result in surface disturbances or in placement of facilities.

## **II. Public Notification Procedures Within WSA's/Wilderness**

Each Field Office must prepare, maintain, and update as necessary, a mailing list of all interested persons and organizations wishing to receive such notice. Persons and organizations directly affected by a proposed action, specific emergencies, or unauthorized activity should also be notified regardless of whether or not they appear on the Field Office mailing list. The public notification must be mailed (or emailed) and received by interested and affected parties at least 30 days prior to making a decision on all proposals, except when it is not possible to do so because of emergency conditions or regulatory time frames, (e.g., fire, flood, search and rescue, 43 CFR 3802/3809). If public response indicates more time is required, the approval period may be extended, depending upon the situation and at the discretion of the Field Manager. Field Offices are encouraged to send notifications to the public earlier than 30 days prior to making a decision, but in all cases, with the exceptions noted above, notifications must be sent early enough to provide recipients sufficient time to inform BLM of their concerns prior to the decision date for a proposed action. Federal Register and other "legal notices" are optional and should be reserved for unusually sensitive proposals which generate widespread public interest, controversy, or concern.

All public notifications for proposed actions should contain at a minimum:

1. The name and address of the Field Office responsible for processing the proposed action;
2. The name of the WSA/wilderness in which the action is being proposed;
3. The WSA/wilderness number;
4. The date the public notification period begins;

5. The date the public notification period ends;
6. The purpose of the proposed action;
7. The location of the proposed action within the WSA/wilderness (unless it is confidential, e.g., cultural sites, caves, threatened or endangered species) expressed in terms of a general, legal or metes and bounds description;
8. The nature and extent of the proposed action;
9. The size of the proposed action; and,
10. The expected decision date and implementation date for the proposed action. The public notification should also consist of one or more maps for orientation, and may incorporate drawings, graphics, and other descriptive documentation. The public notification must be signed and dated by the Field Manager.

When emergencies actions, (as described above), or unauthorized activities that result in surface disturbance or in the placement of facilities/ are discovered, public notification should commence as soon as practicable after discovery. Such notifications are for information only and are not intended to delay or impede timely law enforcement or reclamation/restoration actions. In order to protect evidence and/or specific information about an alleged perpetrator(s), certain information may be withheld from the public notification pending disposition of any administrative or legal remedies. As a minimum, the public notification for emergency or unauthorized activities must contain:

1. All the applicable information elements listed for proposed actions above;
2. A description of the present situation including when the emergency or the unauthorized activity was discovered and what action has been taken to halt the operation if still active (e.g., citation, notice of noncompliance, temporary restraining order, trespass notice);
3. An analysis of how the IMP/wilderness was violated and to what extent wilderness values were impaired;
4. An assessment of the physical damage to the site; and,
5. Anticipated reclamation actions planned including expected dates for implementation and completion.

The BLM's goal is to immediately reclaim the impacts caused by emergencies or any unauthorized action to a level as close as possible to the original condition, or at least to a condition that is substantially unnoticeable. BLM will attempt to collect costs of reclamation from any and all persons responsible for causing impacts. If the person(s) responsible for the unauthorized impacts is not known, BLM will undertake immediate reclamation and initiate action to locate the person(s) responsible and collect the reclamation costs from these persons. If the person(s) responsible for the unauthorized impacts is known and is willing to perform the necessary reclamation, the BLM must prescribe how and when the work will be accomplished. If the person(s) responsible for the unauthorized impacts is known but is unwilling to perform the needed reclamation, BLM will undertake immediate reclamation and initiate action to collect the costs from the responsible person(s).

As a matter of courtesy and in continuance of our efforts to ensure that interested and affected publics are kept informed of our actions related to the disposition of proposed actions/unauthorized activities, the decision notification should be sent to all recipients who responded to the original public notification. The decision notification must include the standard appeal language found in Washington Office Instruction Memorandum No. 94-07 dated October 4, 1993, and the standards for obtaining a Petition For Stay. Form 1842-1, which provides information on taking appeals to the Interior Board of Land Appeals, must also be attached to the decision notification.

At a minimum, the following persons should be included in your NOPA mailing list:

California Wilderness Coalition  
1212 Broadway, Suite 1700  
Oakland, California 94612  
Phone – 510-451-1450

Sierra Club  
c/o Vicky Hoover, Chair of Wilderness Committee  
85 2<sup>nd</sup> Street, 2<sup>nd</sup> floor  
San Francisco, California 94105-3459  
Phone – 415-977-5527  
vicky.hoover@sierraclub.org

The Wilderness Society  
Presidio Building 1016  
P.O. Box 29241  
San Francisco, California 94129-0241  
Phone - 415-699-3477

Copies of the NOPA and final decision will be kept in the Filed Office's corresponding wilderness inventory file. In addition, all Field Offices must provide the State Director (CA-930, NLCS Coordinator) a copy of the NOPA for the proposed action/unauthorized activity and a copy of the final decision for the action.

## **Attachment 2 EXAMPLE OF A NOPA**

### **A. EXAMPLE OF LETTER**

Letterhead

NOPA Number (e.g., CA-660-090  
6300 (P)  
(CA660.40)

To Whom It May Concern:

The BLM is required to inform all affected or interested publics about any proposed action, specific emergencies, or unauthorized activity occurring within BLM Wilderness Study Areas or wilderness areas. Enclosed is an IMP Notice with information about a wildfire incident which occurred on public lands administered by the XXX Field Office during the past few months: an unauthorized event that took place partially in XXX Mountain Wilderness Area.. If you have any questions regarding this notice, please contact the following (person and title) at (phone number or email).

Sincerely,

XXX  
Palm Springs Field Manager

cc: Paul Brink, CASO NLCS

Enc: NOPA for Fire Incident for XXX WSA Notice

## **B. EXAMPLE OF A NOPA**

### **NOTICE OF PROPOSED ACTION**

NOPA CA-660-05-05

**State:** California

**District:** California Desert

**County:** San Bernardino

**Area:** Bureau of Land Management (BLM)  
Palm Springs – South Coast Field Office (PS-SCFO)  
P.O. Box 581260  
North Palm Springs, CA 92258

**Wilderness Area:** XXX Wilderness

#### **1. Background**

In accordance with Title 43 of the Code of Federal Regulations (CFR) 1610.5-3, the proposed action and alternatives are in conformance with the following approved land use plan: California Desert Conservation Area (CDCA) Plan (1980).

The XXX Wilderness was established on 10/31/1994. The Wilderness Act of 1964 (16 U.S.C. 1131) Section 4(c) prohibits certain acts in wilderness, such as the use of motorized equipment, except for measures required in emergencies involving the health and safety of persons within the area.

#### **2. Description of Activity**

On June 22, 2005, at approximately 1 PM, a wildfire was reported near Morongo Valley just east of Highway 62. A California Department of Forestry (CDF) Incident Management Team was brought in to suppress the fire. BLM Palm Springs Field Office notified BLM California State Director of a fire in wilderness, and received approval for use of mechanized equipment, including bulldozers, in wilderness. At approximately 6 PM that day a dozer was brought in to construct fireline. In the course of clearing the line, the dozer entered the wilderness area, and flat bladed  $\frac{3}{4}$  of a mile of an existing vehicle way. The existing way ran along a telephone line, and was seldom used, as evidenced by a return of vegetation within the way. After blading, the way was cleared of all vegetation and widened approximately 1-2 feet on each side. CDF completed rehabilitation to California state standards. Additional rehabilitation will be included in BLM's fire restoration plan, and will include placement of rocks and vegetation to disguise the route, thereby limiting its future use.

3. Legal Description

Township 2 South, Range 4 East, Section 5 SW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>; Section 6 E<sup>1</sup>/<sub>2</sub> SW<sup>1</sup>/<sub>4</sub>, SW <sup>1</sup>/<sub>4</sub>, NE <sup>1</sup>/<sub>4</sub> , SBBM.

4. Chronology of Events

June 22, 1:30 PM ..... Paradise Fire reported;  
June 22 ..... BLM State Director contacted;  
June 22, 6:00 PM ..... Dozer line constructed in wilderness;  
June 24 ..... Wilderness impact discovered by BLM resource advisor;  
June 25 ..... Initial rehab by CDF completed;  
June 27 ..... Site visited and assessed by field office wilderness and  
restoration specialists;  
July-August ..... Additional rehab by BLM as part of burned area restoration plan.

5. Map

See attached

**Send any comments on this activity to the address above within 30 days of receipt.**

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XXX  
Field Manager